



**CHIEF EXECUTIVE OFFICE**

**Richard W. Robinson**  
**Chief Executive Officer**

**Patricia Hill Thomas**  
**Chief Operations Officer/  
Assistant Executive Officer**

**Monica Nino**  
**Assistant Executive Officer**

**Stan Risen**  
**Assistant Executive Officer**

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax: 209.525.4033

January 21, 2011

**VIA FACSIMILE (916-653-4620) AND U.S. MAIL**

Secretary of State  
1500 11th Street, 6th Floor  
Sacramento, CA 95814

**Re: Proposed Regulations Concerning Trustworthy Electronic Document or Record  
Preservation**

Dear Secretary Bowen:

On behalf of Stanislaus County, we submit the following comments on the proposed regulations adding Sections 22620.1 through 22620.8 that would adopt standards for storage of official documents in electronic format.

1. Local Mandate. Stanislaus County disagrees with the conclusion of the Secretary of State that the proposed regulations do not impose a mandated program on local government. The California Constitution, Article XIII B, Section 6 requires that whenever the Legislature or any state agency mandates a new program or higher level of service on local government, the state must provide a subvention of funds to reimburse the associated costs. Simply put, establishing a new electronic document storage system to comply with the proposed regulations creates a new program that the County must adopt at potentially increased cost.

2. Inconsistent Provisions. Section 22620.4 of the proposed regulations provides, in part, that existing electronic document management systems should be evaluated for use as a "Trusted System" and, as soon as practicable, made to conform to the proposed standards. Practicability must take into account the financial ability to upgrade or purchase new systems that comply with the standards, and it may be impracticable to implement required changes for some time to come. That leads to an inconsistency with Section 22620.2 (a), which provides that the proposed regulations apply to all electronic documents that are created or stored six months after the effective date of the those regulations. Essentially, Section 22620.4 requires compliance when practicable to implement changes, but Section 22620.2 requires immediate implementation. We

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request that Section 22620.2 be revised to include the ability to continue using legacy systems until it is practicable to upgrade systems as contemplated in Section 22620.4.

3. Different Electronic Formats. The proposed regulations generally require storage of electronic records in PDF/A format, and do not recognize records stored in other formats that do not lend themselves to conversion to the PDF format; e.g. GIS data and systems and CAD documents. We suggest that the proposed regulations consider methods for integrating these different formats or exempting records created or stored these formats.

Thank you for the opportunity to comment on the proposed regulations.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard W. Robinson', with a long horizontal flourish extending to the right.

Richard W. Robinson  
Chief Executive Officer

101204-015120  
**Stanislaus County**  
**Chief Executive Officer**  
P.O. Box 3404  
Modesto, California 95353-3404

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Secretary of State  
1500 11th Street, 6th Floor  
Sacramento CA 95814



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